

Appl No.: 10/623,227
Reply to Office Action mailed May 09, 2008

Atty. Dkt. No:
UCF-273DIV.A

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Claims 37, 39, 44, 46-48, 51, 55 and 56 are pending and believed in condition for allowance.

In the Official Communication mailed May 9, 2008, in a Notice of Non-Compliant Amendment under 37 CFR 1.121, the Examiner checks paragraphs 4C and 4E: "Each claim has not been provided with the proper status identifier . . ." "See Claim 39." Accordingly, Applicant has corrected the status for Claim 39 to read: "Currently Amended."

Applicant corrected an inadvertent typographical error wherein a semi-colon appeared at the end of Claim 39. Applicant restored the period to the end of Claim 39, and stated that the Claim "previously presented" had a period at the end. The correction of punctuation should have been regarded as "Currently Amended;" accordingly, this change has been made to the status of Claim 39.

The remarks and arguments that follow are as previously submitted on October 25, 2007.

Applicant has amended Claim 37 to remove "of" and correct an inadvertent grammatical error. Applicant presents the remaining claims 39, 44, 46-48, 51, 55 and 56 without the deleted materials and underlined insertions. Applicant has canceled Claim 45 which was objected to under 37 CFR 1.75(e) as being of improper dependent form for failing to further limit the subject matter of a previous claim and further rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans et al. article teaching what "appears" to be a ... "hollow tube ... about 100 nm across." Accordingly, the objections and rejection of Claim 45 is now moot; withdrawal of the objections and rejection of Claim 45 is respectfully requested.

With regard to the rejection of Claims 37, 44-48, and 51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 14 of U.S. Patent No.

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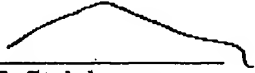
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6,787,229, on October 25, 2007, Applicant enclosed a Terminal Disclaimer to Obviate a Double Patenting Rejection Over A Prior Patent that is commonly owned by the University of Central Florida with common inventorship. A copy of Applicant's Terminal Disclaimer is attached as Exhibit A. Thus, any patent granted on the present application shall be enforceable only for and during such period that the commonly owned patent, U.S. 6,787,229 is enforceable. It is understood that the rejection of canceled claim 45 on the ground of nonstatutory obviousness-type double patenting is moot. However, Applicant respectfully requests the withdrawal of the rejection of Claims 37, 44, 46-48, and 51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 14 of U.S. Patent No. 6,787,229.

The application and Claims 37, 39, 44, 46-48, 51, 55 and 56 are believed in condition for allowance; allowance is respectfully requested.

If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully submitted,



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EXHIBIT A

PTO/SB/26 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
UCF-273DIV.A

In re Application of: NAZIM MURADOV

Application No.: 10/623,227

Filed: 07/18/2003

For: PORTABLE HYDROGEN GENERATOR FUEL CELL APPARATUS

The owner*, University of Central Florida, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,787,229 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 36,423


Signature

10/24/07
Date

Brian S. Steinberger
Typed or printed name

321-633-5080
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(f) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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